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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JENNIFER SIMATIC,

11 Plaintiff,

12 v.

13 COMMISSIONER OF SOCIAL
14 SECURITY,

Defendant.

CASE NO. 3:21-cv-05180-MJP-JRC

ORDER GRANTING MOTION TO
AMEND COMPLAINT

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16 This matter is before the Court on referral from the District Court (Dkt. 13) and on
17 plaintiff's motion for leave to amend the complaint. Dkt. 16.

18 Plaintiff requests to amend her complaint to name the "Social Security Administration"
19 as defendant, rather than the "Commissioner of Social Security." Dkt. 16, at 1–2. Plaintiff must
20 have leave of Court to amend her complaint at this stage in the litigation. *See* Fed. R. Civ. P.
21 15(a). Defendant does not oppose the request to amend the complaint to name the
22 Administration as defendant although defendant "does not stipulate that the proposed
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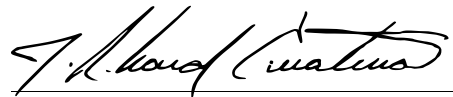
1 amendment is legally or factually sufficient, or otherwise results in a cognizable F[reedom of
2 Information Act] or Privacy Act claim related to Plaintiff's request for records." Dkt. 18, at 2.

3 "Generally, Rule 15 advises the court that 'leave shall be freely given when justice so
4 requires.'" *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003) (quoting
5 *Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 712 (9th Cir. 2001)). Factors to be
6 considered in deciding whether to grant leave to amend include undue delay, bad faith, dilatory
7 motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice
8 to the opposing party by virtue of allowance of the amendment, and futility of amendment. *Id.* at
9 1051–52. "Prejudice is the 'touchstone of the inquiry under rule 15(a).'" *Id.* at 1051 (quoting
10 *Lone Star Ladies Inv. Club v. Schlotzsky's Inc.*, 238 F.3d 363, 368 (5th Cir. 2001)). Absent
11 prejudice, or a strong showing of any of the remaining factors, there exists a presumption under
12 Rule 15(a) in favor of granting leave to amend. *Id.*

13 Here, no prejudice to defendant is apparent. Nor is there a strong showing of any of the
14 remaining factors as related to plaintiff's proposed amendment. Therefore, the Court grants the
15 motion for leave to amend. Plaintiff shall file the proposed amended complaint (Dkt. 16-1) as
16 the operative complaint in this matter within 30 days of the date of this Order.

17 The Clerk's Office shall send a copy of this Order to plaintiff.

18 Dated this 6th day of July, 2021.

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20 J. Richard Creatura
21 Chief United States Magistrate Judge
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